

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re:	:	Chapter 13
	:	
RICHARD LW HOLT,	:	Case No. 16-23653-rdd
	:	
Debtor.	:	
	:	
RICHARD LW HOLT,	:	Adv. Proc. No. 17-08245-rdd
	:	
Plaintiff,	:	
v.	:	
	:	
WAMU ASSET ACCEPTANCE CORP,	:	
NOT IN ITS INDIVIDUAL CAPACITY,	:	
	:	
Defendant.	:	
	:	

**ORDER GRANTING DEFENDANT’S MOTION OF FOR
ABSTENTION**

Upon the motion [Adv. P. Dkt. No. 3] the Motion (“Motion”) of Defendant WaMu Asset Acceptance Corp. (the “Defendant”) for, among other things, an order of this Court pursuant to 28 U.S.C. §1334(c)(1) abstaining in this adversary proceeding in favor of the Connecticut state court foreclosure proceeding described in the Motion (the “Connecticut Action”); and upon the objection by the debtor/plaintiff herein (the “Plaintiff”) and all other pleadings filed by the parties herein and proceedings in connection therewith; and upon the record of the hearing held by the Court on the Motion on January 23, 2018 (the “Hearing”); and, after due deliberation and for the reasons stated by the Court in its bench ruling on the record of the Hearing, the Court having determined to exercise its discretion to abstain in favor of the Connecticut Action; and good and sufficient cause appearing, it is hereby

ORDERED, that the Motion is granted as provided herein and otherwise denied without prejudice; and it is further

ORDERED, that the Court abstains from this adversary proceeding, pursuant to 28 U.S.C. § 1334(c)(1), in favor of the pending Connecticut Action, without prejudice, however, to the Plaintiff's right to seek to renew this adversary proceeding in this case, on due notice to the Defendant, if there exists a good faith basis to believe, after the ultimate determination of the Connecticut Action, that such determination does not, as a matter of applicable preclusion or estoppel principles, decide the necessary issues raised by this adversary proceeding in the Defendant's favor.

Dated: White Plains, New York
January 26, 2018

/s/ Robert D. Drain
HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE